



New HUD Lead-Based Paint Regulations





Why is LBP a Concern?



Childhood lead poisoning is
“a major, preventable environmental health problem.”

CDC, 1997

- About 890,000 children have Elevated Blood Lead levels above CDC limits
- Irreversible health effects
- Brain and nervous system damage
- Reduced intelligence
- Learning disabilities



Myths about LBP

- **Children must eat paint chips to be poisoned**
- **Only inner-city children are at risk**
- **It is more hazardous to treat LBP than to leave it alone**
- **Addressing Lead-Based Paint is an all-or-nothing proposition**
- **It costs too much**
- **Lead is everywhere, paint is only a small part of the problem**



Who is most at risk?

- Children under the age of six
- Pregnant women
- Workers





LBP in Housing - Overview

- Over 60 million homes built before 1978 contain Lead-Based Paint (LBP)
- 20 million homes with LBP hazards
- 4 million homes with LBP hazards have a young child
- 400,000 homes with a young child are in poor condition and lack the funds to correct hazards

Regulation Preamble



LBP in Residential Housing

- **Over 60 million homes built before 1978 contain lead-based paint**
- **Some homes are more prone to LBP hazards**
 - ◆ Older, pre-1960 units
 - ◆ Poor condition
 - ◆ Unsafe renovation or maintenance
 - ◆ Exterior contaminated soil





Presentation Overview

- **Legislation and regulations**
- **Disclosure**
- **New HUD Regulation**

Section 1012/1013 of Title X

- ◆ Introduction and Regulation Structure
- ◆ Evaluation and hazard control requirements
- ◆ Program requirements
- ◆ Implementation



Legislation

- **Lead-Based Paint Poisoning Prevention Act of 1971**
- **Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X)**
 - ◆ Section 1012/1013 of Title X

“To reduce the threat of childhood lead poisoning in housing owned, assisted, or transferred by the Federal Government.”

Section 1003, Title X



Lead Regulations

- **Housing and Urban Development (HUD)**
 - ◆ Housing and health
- **Environmental Protection Agency (EPA)**
 - ◆ Environment and health
- **Occupational Safety and Health Administration (OSHA)**
 - ◆ Workplace safety and health
- **Consumer Product Safety Commission (CPSC)**
 - ◆ Lead in consumer products



HUD Lead Regulations

- **Disclosure of Known Lead-Based Paint and LBP Hazards (1996)**
 - ◆ Published jointly with EPA
 - ◆ Pre-1978 housing
- **Notification, Evaluation and Reduction of Lead-Based Paint Hazards (1999)**
 - ◆ Covers housing receiving Federal assistance and Federally owned housing being sold
 - ◆ Revises and consolidates existing HUD regulations



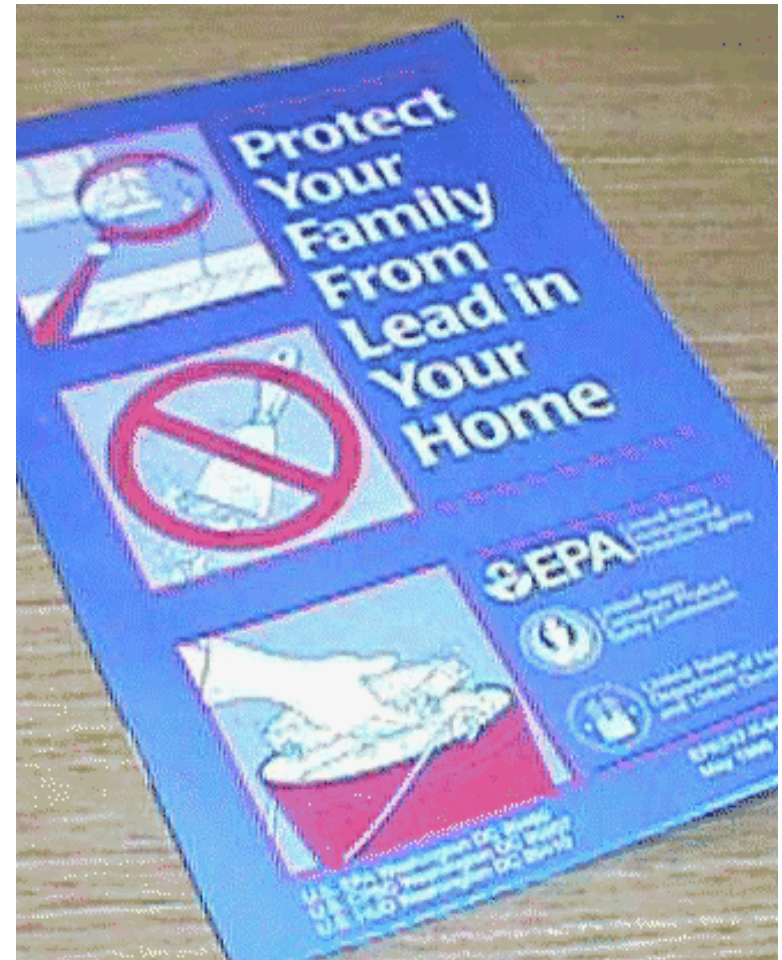
EPA Lead Regulations

- **Disclosure of Known Lead-Based Paint and LBP Hazards (HUD & EPA - Final - 1996)**
- **LBP Activities in Target Housing and Child-Occupied Facilities (Final - 1996)**
 - ◆ Certification and work practices
 - ◆ State certification programs
- **Pre-Renovation Education (Final - 1998)**



Disclosure Regulation

- Most pre-78 housing at sale or lease
 - Requires
 - ◆ Free educational pamphlet
 - ◆ Warning statement in contract
 - ◆ Disclosure of known LBP or LBP hazards
- Opportunity for testing
24 CFR 35 and 40 CFR 745

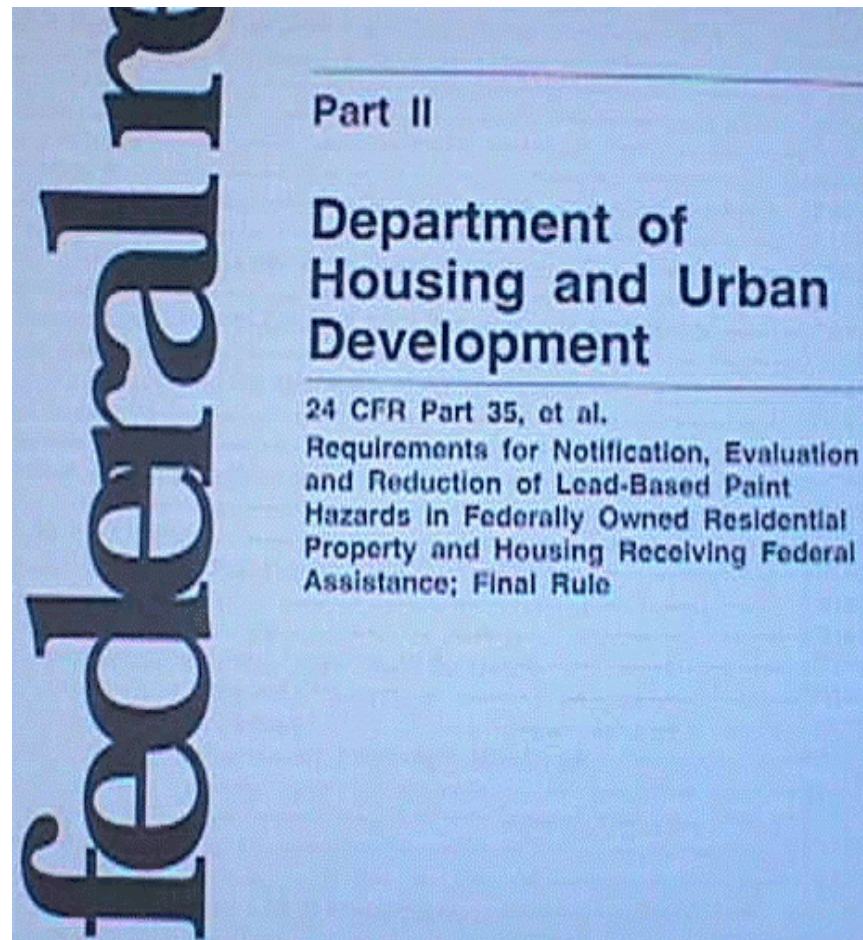




HUD's 1012/1013 Regulation

- Pre-1978 housing receiving HUD or other Federal assistance
- Pre-1978 Federally owned housing being sold
- Requirements
 - ◆ Lead Hazard Control based on program
 - ◆ Required activities vary by type of assistance
- Effective September 15, 2000

24 CFR 35 B-D, F-M, R





Strategies for HUD Programs

- **Seven strategy levels**

- ◆ Safe Work Practices during rehabilitation
- ◆ Ongoing LBP Maintenance
- ◆ Visual Assessment and Paint Stabilization
- ◆ Risk Assessment and Interim Controls
- ◆ LBP Inspection, Risk Assessment, and Interim Controls
- ◆ Risk Assessment and Abatement of LBP hazards
- ◆ LBP Inspection and Abatement of all LBP



Strategies

- **Ongoing LBP Maintenance**
 - ◆ When a continuing HUD relationship exists
 - ◆ Paint maintenance
 - ◆ Includes Safe Work Practices
 - ◆ Clearance required only at worksite



Strategies

- **Visual Assessment, Paint Stabilization, and clearance**
 - ◆ Provide housing that is "lead safe" unit-wide
- **Risk Assessment, Interim Controls, and clearance**
 - ◆ Option to conduct Standard Treatments
 - ◆ Eliminate LBP hazards
 - ◆ Ongoing LBP Maintenance when continuing HUD relationship



Summary of Important Terms

Statutory Terms

- Lead-Based Paint
- Lead-Based Paint Hazards
- Abatement
- Interim Controls
- LBP Inspection
- Risk Assessment

Regulatory Terms

- Chewable surface
- Clearance examination
- Environmental Intervention Blood Lead Level
- Hard costs of rehab
- Paint testing
- Visual assessment
- Worksite



Units of Measure

mg/cm²

Milligrams per square centimeter
- lead in paint

μg/ft²

Micrograms per square foot
- lead in dust

μg/dL

Micrograms per deciliter
- lead in blood



Important Statutory Terms

- **Lead-Based Paint (LBP)**

- ◆ 1.0 mg/cm² lead on surface
- ◆ 0.5% (5,000 ppm) lead by dry weight

- **Lead-Based Paint Hazard**

- ◆ Condition which causes exposure to lead that would result in adverse human effects from:
 - Dust-lead
 - Soil-lead
 - Lead-based paint on deteriorated, chewable, friction, or impact surfaces



Important Statutory Terms

- **Abatement**

- ◆ Measures to permanently eliminate LBP/LBP hazards
- ◆ Includes cleaning and clearance

- **Interim Controls**

- ◆ Measures to temporarily reduce human exposure to lead-based paint hazards
- ◆ Includes repairs, painting, cleaning, ongoing maintenance, and management programs



Important Statutory Terms

- **LBP Inspection**

- ◆ Surface-by-surface investigation to determine the presence of LBP
- ◆ Report of results

- **Risk Assessment**

- ◆ On-site investigation
- ◆ Existence, nature, severity, and location of LBP hazards
- ◆ Report of results and recommendations



Important Regulatory Terms

- **Clearance Examination**
 - ◆ Hazard reduction activities are complete
 - ◆ No soil-lead or dust-lead hazards exist
 - ◆ Includes visual assessment and analysis of environmental samples



Important Regulatory Terms

- **Environmental Intervention Blood Lead Level**
 - ◆ Blood lead at least 20 $\mu\text{g}/\text{dL}$ or two readings of 15-19 $\mu\text{g}/\text{dL}$ taken three months apart



Important Regulatory Terms

- **Paint testing**

- ◆ Determining the presence or absence of LBP on deteriorated paint or surfaces to be disturbed or replaced

- **Visual assessment**

- ◆ Deteriorated paint
- ◆ Visible dust, debris and residue as part of risk assessment or clearance examination
- ◆ Failure of hazard reduction measures



Important Regulatory Terms

- **Worksite**
 - ◆ Interior or exterior area where lead-based paint hazard reduction takes place
 - ◆ Dwelling unit may have more than one worksite



Exemptions

- **Post-1977 housing**
- **Zero-bedroom units**
- **Housing exclusively for elderly or disabled**
- **Property certified as lead-based paint free**
- **Property where lead-based paint was removed**
- **Unoccupied property pending demolition**
- **Nonresidential part of property**
- **Rehabilitation or maintenance activities that do not disturb painted surfaces**
- **Emergency actions**

24 CFR 35.115



Prohibited Methods

- Open flame burning
- Sanding or blasting without HEPA filter
- Heat guns over 1,100° F
- Dry sanding or scraping
- Certain paint strippers

Effective November 15, 1999

24 CFR 35.140



Correction Methods

- **Interim dust and soil standards**
- **Interim controls**
- **Standard Treatments**
- **Clearance**
- **Occupant protection and worksite preparation**
- **Safe work practices**
- **Ongoing LBP maintenance and reevaluation**



Types of Evaluation

- Paint testing
- Lead-based paint inspection
- Risk assessment
- Clearance

Based on Type of Federal Assistance



Visual Assessment

- **Used in three activities**
- **In periodic inspections**
 - ◆ To identify deteriorated paint needing paint stabilization
- **In clearance**
 - ◆ To identify dust and debris
 - ◆ To identify deteriorated paint
- **In ongoing LBP Maintenance**
 - ◆ To identify failed hazard reductions
 - ◆ To identify deteriorated paint



Paint Testing

- **Testing lead content of:**
 - ◆ Deteriorated paint
 - ◆ Painted surfaces to be disturbed or replaced
- **Differs from LBP Inspection**
 - ◆ Reduced scope
 - ◆ Less expensive
- **Performed by a certified LBP inspector**

24 CFR 35.1355



Lead-Based Paint Inspection

- **Examination of painted or finished surfaces for lead-based paint**
- **Interior and exterior**
- **Comprehensive**
- **Includes intact paint and areas not to be disturbed**
- **Performed by a certified LBP inspector**

40 CFR 745.227(b)



Risk Assessment

- **Identification of LBP hazards**
- **Includes**
 - ◆ Visual inspection for deteriorated paint
 - ◆ Information on occupant use
 - ◆ Testing of deteriorated paint and possibly other surfaces
 - ◆ Dust sampling
 - ◆ Soil sampling
 - ◆ Report
- **Performed by a certified risk assessor**

40 CFR 745.227(d)



Lead Hazard Criteria

- **Deteriorated paint**
- **Lead in dust (clearance/risk assessment)**
 - ◆ Floors 40 $\mu\text{g}/\text{ft}^2$
 - ◆ Interior window sills 250 $\mu\text{g}/\text{ft}^2$
 - ◆ Troughs 800 $\mu\text{g}/\text{ft}^2$ (clearance only)
- **Lead in bare soil (risk assessment)**
 - ◆ Play areas 400 $\mu\text{g}/\text{g}$
 - ◆ Other soils 2,000 $\mu\text{g}/\text{g}$



Clearance

- **Visual Assessment**
- **Dust sampling**
 - ◆ Interim Dust Lead standards
 - ◆ Will be changed to EPA's standards when published
- **Certified, or trained and supervised personnel**



Notice Requirements

- **Pamphlet, if not already provided**
- **Notice of evaluation or presumption**
 - ◆ Within 15 days of receipt of report
 - ◆ Summary
 - ◆ Contact information
- **Notice of hazard reduction**
 - ◆ Within 15 days of completion
 - ◆ Summary
 - ◆ Contact information
 - ◆ Available information on remaining LBP

24 CFR 35.125



Qualifications

- **Visual Assessment for deteriorated paint**
 - ◆ Training
- **Testing, Inspection or Risk Assessment**
 - ◆ EPA, Tribal, or State certification
- **Clearance**
 - ◆ Certification as Inspector, Risk Assessor or Clearance Technician
 - ◆ Supervision (if uncertified technician)



Qualifications

- **Interim Controls**

- ◆ Supervision by a certified supervisor or
- ◆ Completion of training (one of the following)
 - LBP abatement worker or supervisor
 - Operations and Maintenance (NETA)
 - Remodelers and Renovators (NARI)
 - Other HUD approved course

- **Abatement (EPA requirements)**

- ◆ Certified abatement supervisor
- ◆ Certified abatement workers



Lead Hazard Reduction Methods

- **Interim Controls**

- ◆ Includes paint stabilization
- ◆ Standard Treatments are an option

- **Abatement**

- ◆ Lead-Based Paint Hazards
- ◆ Lead-Based Paint

- **Ongoing LBP Maintenance and Reevaluation**

Depends on Type of Federal Assistance



Options

- **Presume LBP or LBP Hazards**
- **Paint testing of deteriorated paint**



Standard Treatments Option

- **Instead of evaluation and Interim Controls**
- **Assume LBP and LBP hazards**
- **Actions include**
 - ◆ Paint Stabilization
 - ◆ Smooth and cleanable horizontal surfaces
 - ◆ Correction of dust generating conditions
 - ◆ Treatment of bare residential soil
 - ◆ Safe Work Practices included
 - ◆ Clearance
- **Not allowed when abatement is required**

24 CFR 35.1335



Interim Controls

- **Training requirements for personnel**
- **Includes occupant protection and clearance**
- **Activities include**
 - ◆ Paint stabilization
 - ◆ Friction or impact surfaces
 - ◆ Chewable surfaces
 - ◆ Dust-lead hazard control
 - ◆ Soil-lead hazard control



Paint Stabilization

- **Part of Interim Controls**
- **Includes**
 - ◆ Substrate repair
 - ◆ Surface preparation methods
 - ◆ New paint
- **Clearance**
- **Safe Work Practices required**

24 CFR 35.1330(b)



Abatement

- **Certified personnel**
- **Abatement of Lead-Based Paint or Lead-Based Paint Hazards**
- **Methods include**
 - ◆ Encapsulation, enclosure, component replacement or removal of paint
 - ◆ Paving or removal for soil
- **Clearance follows abatement**

24 CFR 35.1325



Safe Work Practices

- **Included in:**
 - ◆ Ongoing LBP Maintenance
 - ◆ Paint stabilization
 - ◆ Rehab (<\$5,000)
 - ◆ Standard treatments
- **Prohibited methods**
- **Occupant protection and worksite preparation**
- **Specialized cleaning**
- **De minimis levels**



De Minimis Levels

- **Exception to Safe Work Practices**
- **Work which disturbs less than**
 - ◆ 20 square feet on exterior surfaces
 - ◆ 2 square feet in any one interior room or space
 - ◆ or 10 percent of area of a interior or exterior component with a small area (sills, baseboards, etc.)

24 CFR 35.1350



Tenant Based Rental Assist.

- **Visual Assessment for deteriorated paint during initial and periodic inspections**
- **Paint Stabilization of deteriorated paint surfaces and clearance**
- **Ongoing LBP Maintenance activities**
- **Additional requirements for units with EIBLL child**
 - ◆ Verification
 - ◆ Risk assessment and interim controls
 - ◆ Information exchange with health department

24 CFR 35.1200-35.1225



Implementation Schedule

- **Prohibited practices - November 15, 1999**
- **Regulation subparts**
 - ◆ All effective on September 15, 2000
 - ◆ Some have transitional requirements
- **Project-Based Rental Assist. - Subpart H**
 - ◆ Deadline for risk assessments is Sept 17, 2001 (pre-1960) or Sept 15, 2003 (1960-77)
 - ◆ Transitional reqts in effect Sept 15, 2000
- **Multifamily Property - Subpart I**
 - ◆ Inspection/risk assessment by Dec 15, 2000
- **Earlier implementation permissible**



Implementation Assistance



- **HUD Lead Hazard Control Grant Program Grantees**
- **Operating in over 200 cities**
- **Low-income private housing**
- **Contractor certification**
- **A community resource**



Lead Information Resources

- **HUD Lead Web site - www.hud.gov/lea**
- **National Lead Information Center**
 - ◆ Copies of the regulation
 - ◆ 1-800-424-LEAD
- **Lead professionals listing**
 - ◆ www.leadlisting.org
 - ◆ 1-888-LEADLIST
- **EPA - www.epa.gov/opptintr/lead**



Lead Information Resources

- **Other Federal Agencies with local resources**
 - ◆ Centers for Disease Control and Prevention
 - Childhood Lead Poisoning Prevention grantees nationwide
 - ◆ Environmental Protection Agency
 - Local lead hazard awareness grantees
 - Regional staff



COPY OF REGULATIONS

Users are urged to obtain a copy of the regulation (1-800-424-LEAD) to ensure an understanding of the requirements.